IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Testamentary and Intestate Jurisdiction

Contempt Petition No.55 of 2007
in
Petition No.884 of 2005

Parsram Javhers8ingh Makhijani ..Petitioner

vs.

1. S.A.Sabir and others ..Respondents

Shri A.G.Toraskar for petitioner.

CORAM: S.C.DHARMADHIKARI J.
6th July, 2007

P.C.

1. After hearing Shri Toraskar appearing for the petitioner, I am of the view that the contempt petition does not complain of any "civil contempt" and, therefore, cannot be entertained by this Court. The grievance of the petitioner as projected in this petition is that this Court issued the letters of administration on 17th February, 2007 which were totake effect through out the State of Maharashtra in respect of the properties and credits mentioned in the said letters of administration. The petitioner on the strength of this document requested that flat no.22/3 be transferred along with the shares in the name of the petitioner and the petitioner be enrolled as a member of the concerned society.

2. The petitioner approached the Deputy Registrar,

Cooperative Societies who, according to him, has not taken the cognisance of his request so also the letters of administration issued by this Court.

3. This can hardly be made a foundation of the petition alleging civil contempt. The remedy of the petitioner lies elsewhere in as much as he can impugn the decision of the Deputy Registrar so also complain about his inaction by appropriate proceedings. The petitioner is also at liberty to proceed against the society if the society is not accepting the transfer in his name. Reserving all the remedies of the petitioner open the petition is dismissed.

(S.C.DHARMADHIKARI J.)